

Exhibit A

From: rteich@juno.com
To: Mehta, Sonal
Cc: clocicero@tlolawfirm.com; kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; Holtzblatt, Ari; Jennings, Molly; Schultz, Allison
Subject: RE: CHD v. Facebook, et al.
Date: Wednesday, September 9, 2020 12:23:53 PM
Attachments: [FACEBOOK - Stip & \[Pro\] Order re Complaint Response Date \(Roger v.2\) - 09-09-2020.docx](#)
[FACEBOOK - Stip & \[Pro\] Order re Complaint MTD Briefing Sched 2 \(Roger v.2\) - 09-09-2020.docx](#)
[FACEBOOK - \[PRO\] ORDER RE MTD BRIEFING SCHEDULE \(Roger v.2\) - 09-09-2020.docx](#)
[FACEBOOK - S. MEHTA DEC. STIP EXT COMPLAINT RESPONSE \[Roger v.2\] - 09-09-2020.docx](#)

EXTERNAL SENDER

Sonal,

Attached, our revisions in Track Changes to the two Stipulations, [Proposed] Order, and your declaration. You have our consent to file these pleadings only as revised.

I look forward to working with you, too. In normal times, it would still be difficult to file jointly the same day if we receive the drafts at or after the close of business eastern time where Children's Health Defense and its general counsel are located. And, these are not normal times. I'm in Mendocino County right now.

We will not agree to continue the November 20, 2020 case management conference at this time. In particular, we have concerns about ESI retention and protocols in this case for which the Local Rules contemplate a specific meet and confer, and stipulation.

We also believe that such stipulation should commit your clients not to apply amended Section 3.2 of Facebook's Terms of Service (effective October 1, 2020) to Children's Health Defense during the pendency of this litigation, for reasons we can discuss at the ESI-meet and confer.

I look forward to discussing this matter with you at 11:30am today.

best,
Roger Teich

----- Original Message -----

From: "Mehta, Sonal" <Sonal.Mehta@wilmerhale.com>
To: "rteich@juno.com" <rteich@juno.com>, "clocicero@tlolawfirm.com" <clocicero@tlolawfirm.com>
Cc: "kvick@jassylvick.com" <kvick@jassylvick.com>, "mary.holland@childrenshealthdefense.org" <mary.holland@childrenshealthdefense.org>, "Holtzblatt, Ari" <Ari.Holtzblatt@wilmerhale.com>, "Jennings, Molly" <Molly.Jennings@wilmerhale.com>, "Schultz, Allison" <Allison.Schultz@wilmerhale.com>
Subject: RE: CHD v. Facebook, et al.
Date: Tue, 8 Sep 2020 22:23:12 +0000

Roger,

Attached, please find the stipulations we discussed last Friday, extending the deadline responses to the complaint to October 23, and setting a further briefing schedule including a deadline of January 7, 2021, for defendants' replies. (The local rules treat motions for extensions of time to respond to a complaint differently from other extensions, so we have to file two separate stipulations). We would like to get these on file today and appreciate your confirmation that we have permission to sign for you.

Also, given that the motion(s) to dismiss won't be fully briefed until January 2021, we have proposed including a stipulation continuing the November 20 case management conference for the time being.

We can join a call for 30 minutes at 11:30 am PT tomorrow. Speak with you then.

Best,

Sonal N. Mehta | WilmerHale
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From: rteich@juno.com <rteich@juno.com>
Sent: Friday, September 4, 2020 2:01 PM
To: clocicero@tlolawfirm.com
Cc: kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>
Subject: RE: CHD v. Facebook, et al.

EXTERNAL SENDER

Hi All,

This will memorialize our phone call just now in which we agreed to a schedule in which (1) your client defendants will file responses to the Complaint by Friday, October 23, 2020; and (2) plaintiff will file its opposition to any motion to dismiss by Monday, December 7, 2020, subject to plaintiff's good cause for any further extension.

For our part, this agreement assumes that Sonal will also be representing Mark Zuckerberg individually, and that his response and plaintiff's responsive pleading (if any) will be governed by the stipulation. Please confirm at your early convenience.

We think it would be useful to hold another conference call next week to discuss a few early case management issues which are likely to arise. There is also a separate issue concerning Facebook only which we wish to take up with Sonal , perhaps at the end of the call.

How is Wednesday, September 9, at 11:30am PT/ 2:30 pm ET for a (no more than) 30-minute discussion?

Here is dial-in we can use --

Dial-In Number: 515-603-3171
Access Code: 1045032#

Sincerely,
Roger Teich

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 FACEBOOK, INC. and
 MARK ZUCKERBERG

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Attorney for Defendants
 THE POYNTER INSTITUTE FOR MEDIA
 STUDIES, INC. and POLITIFACT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHILDREN'S HEALTH DEFENSE,

 Plaintiff,

 v.
 FACEBOOK, INC., ET AL.,

 Defendants.

Case No. 3:20-cv-05787-SI

**STIPULATION TO ENLARGE TIME
 TO RESPOND TO COMPLAINT PER
 L.R. 6-1(A)**

1 Pursuant to Civil Local Rule 6-1(a), Defendants Facebook, Inc., Mark Zuckerberg,
2 PolitiFact, and The Poynter Institute for Media Studies, Inc. ("Defendants") and Plaintiff Children's
3 Health Defense ("Plaintiff"), by and through their respective counsel, hereby stipulate as follows:

4 WHEREAS, Plaintiff filed the Complaint (Dkt. 1) on August 17, 2020;

5 WHEREAS, Plaintiff served the Complaint on Defendant Facebook, Inc. on August 19,
6 2020. (Dkt. 16). A summons also issued to Mark Zuckerberg on August 19, 2020 (Dkt. 7) Service
7 was also attempted on The Poynter Institute for Media Studies on August 19, 2020, and on PolitiFact
8 on August 27, 2020. .

9 WHEREAS, Defendant Facebook, Inc.'s response to the Complaint is currently due
10 September 9, 2020. Assuming Mr. Zuckerberg was served the same day as Facebook, and barring
11 any service defects, Defendant Mr. Zuckerberg's response to the Complaint would also be due on
12 September 9, 2020. Barring any service defects, Defendants The Poynter Institute for Media
13 Studies, Inc.'s and PolitiFact's response to the Complaint would be due on September 9, 2020 and
14 September 17, 2020.

15 WHEREAS, these defendants only recently retained present counsel to represent them in this
16 action.

17
18 WHEREAS, Defendants have asked for, and Plaintiff has consented to, an extension of time
19 for Defendants to answer, move, or otherwise respond to the Complaint, up to and including October
20 23, 2020. This represents a 44-day extension with respect to Defendants Facebook, Inc., Mark
21 Zuckerberg, and The Poynter Institute for Media Studies, Inc., and a 36-day extension with respect
22 to Defendant PolitiFact.

23 WHEREAS, the parties also wish to align the response dates and briefing schedule for
24 Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media Studies, Inc., and
25 PolitiFact.

26 WHEREAS, this is the first extension of time in this matter.
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28

1 **IT IS HEREBY STIPULATED AND AGREED** by Plaintiff and Defendants, pursuant to
2 Civil Local Rule 6-1(a), to enlarge the time for Defendants to answer, move, or otherwise respond to
3 the Complaint up to and including October 23, 2020.¹

4
5 Dated: September 8, 2020

WILMER CUTLER PICKERING, HALE AND
DORR LLP

6
7 By: /s/ Sonal N. Mehta
SONAL N. MEHTA

8 *Attorney for Defendants*
9 Facebook, Inc. and Mark Zuckerberg

10
11 Dated: September 8, 2020

JASSY VICK CAROLAN LLP

12 By: /s/ Kevin L. Vick
13 KEVIN L. VICK

14 *Attorney for Defendants*
15 The Poynter Institute for Media Studies, Inc, and
16 PolitiFact

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28 ¹ Defendants reserve their rights to raise any jurisdictional challenges in response to the Complaint,
and this Stipulation does not waive any such rights.

Dated: September 9, 2020

By: /s/ Roger Ian Teich
ROGER IAN TEICH

Attorney for Plaintiff
Children's Health Defense

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation To Enlarge Time To Respond To Complaint. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatures have concurred in this filing.

Dated: September 8, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2020, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: September 8, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

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5 *Attorney for Defendants*
6 FACEBOOK, INC. and
MARK ZUCKERBERG
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14 *Attorney for Defendants*
15 THE POYNTER INSTITUTE FOR MEDIA
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16

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 CHILDREN'S HEALTH DEFENSE,
21
22 Plaintiff,
23
24 v.
25 FACEBOOK, INC., ET AL.,
Defendants.

Case No. 3:20-cv-05787-SI

CIVIL LOCAL RULE 6-2(A)
STIPULATION

Pursuant to Civil Local Rule 6-2(a), Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media Studies, Inc., and PolitiFact (“Defendants”) and Plaintiff Children’s Health Defense (“Plaintiff”), by and through their respective counsel, have consented to the following enlargement of time to file Plaintiff’s Opposition to any Rule 12 motion or other response to the Complaint:

1. Plaintiff’s Opposition to any Rule 12 motions or other response filed by Defendants shall be due December 21, 2020
2. Defendants’ Replies to Plaintiff’s Opposition shall be due January 21, 2021.
- 3.

Plaintiff filed the Complaint on August 17, 2020. (Dkt. 1). Plaintiff served the Complaint on Defendant Facebook, Inc. on August 19, 2020 (Dkt. 16), and attempted service on Defendants The Poynter Institute for Media Studies, Inc., and PolitiFact on August 19, 2020 and August 27, 2020, respectively. A summons issued to Defendant Mark Zuckerberg on August 19, 2020 (Dkt. 7). Defendants’ deadline to respond to the Complaint has been enlarged once by currently-filed stipulation to October 23, 2020.

Good cause exists, and the parties’ stipulated request for an enlargement of time is reasonable in light of the complicated subject matter of this case, the number of issues in dispute, and the need to coordinate among multiple, separately represented defendants. The Complaint includes four counts invoking complex issues of constitutional and statutory law. Moreover, the Thanksgiving holiday falls within the time allotted for Plaintiff to prepare its Opposition, as does the currently-scheduled case management conference and related filings, and the winter holidays fall within the time allotted for Defendants to prepare their replies. This stipulated request is supported by the accompanying Declaration of Sonal N. Mehta.

Pursuant to Civil Local Rule 6-2(a), Plaintiff and Defendants hereby request that the Court enter an order allowing the enlargement of time and continuance set forth above.

1
2 Dated: September 8, 2020

WILMER CUTLER PICKERING, HALE AND
DORR LLP

3 By: /s/ Sonal N. Mehta
4 SONAL N. MEHTA

5 *Attorney for Defendants*
Facebook, Inc. and Mark Zuckerberg

6
7 Dated: September 8, 2020

JASSY VICK CAROLAN LLP

8 By: /s/ Kevin L. Vick
9 KEVIN L. VICK

10 *Attorney for Defendants*
The Poynter Institute for Media Studies, Inc. and
11 PolitiFact

12
13 Dated: September 8, 2020

By: /s/ Roger I. Teich
14 ROGER I. TEICH

15 *Attorney for Plaintiff*
Children's Health Defense

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation To Enlarge Time To Respond To Complaint. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatures have concurred in this filing.

Dated: September 8, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2020, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: September 8, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

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5 *Attorney for Defendants*
6 FACEBOOK, INC. and
MARK ZUCKERBERG
7

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 CHILDREN’S HEALTH DEFENSE,
13 Plaintiff,
14 v.
15 FACEBOOK, INC., ET AL.,
16 Defendants.

Case No. 3:20-cv-05787-SI

**DECLARATION OF SONAL N.
MEHTA IN SUPPORT OF CIVIL
LOCAL RULE 6-2(A) STIPULATION**

1 I, Sonal N. Mehta, declare as follows:

2 1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent Defendants
3 Facebook, Inc. and Mark Zuckerberg in the above-captioned action.

4 2. Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media
5 Studies, Inc. and PolitiFact have sought an enlargement of time to respond to Plaintiff's Complaint.

6 3. Plaintiff requested, and the parties have agreed to, subject to the Court's approval, an
7 enlargement of time for Plaintiff to respond to any Rule 12 motions or other responses filed by
8 Defendants up to and including December 21, 2020, and for Defendants to file their replies in
9 support of any Rule 12 motions to January 21, 2021.

10 4. The parties are requesting the Court allow this proposed enlargement of time because
11 of the complicated subject matter of this case, the number of issues in dispute, and the need to
12 coordinate among multiple, separately represented defendants. The Complaint includes several
13 alleged constitutional and statutory violations. This proposed schedule will allow the parties
14 adequate time to study the issues and submit briefing that will aid the Court in its resolution of any
15 Rule 12 motion.

16 5. Moreover, the Thanksgiving holiday and early case management conference fall
17 within the time allotted for Plaintiff to prepare its opposition brief, and the winter holidays fall
18 within the time allotted for Defendants to prepare their replies.

19 6. The time for Defendants to answer, move, or otherwise respond to the complaint has
20 been enlarged once by stipulation filed concurrently herewith, from September 9 to October 23,
21 2020 for Defendants Facebook, Inc., Mark Zuckerberg, and The Poynter Institute for Media Studies,
22 Inc., and from September 17 to October 23, 2020 for Defendant PolitiFact.

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24
25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on this 8th day of September 2020 in Redwood City, California.

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28 By: /s/ Sonal N. Mehta

Sonal N. Mehta

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 MARK ZUCKERBERG

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 Subject to pro hac vice admission)

Attorneys for Plaintiff
 CHILDREN'S HEALTH DEFENSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHILDREN'S HEALTH DEFENSE,

 Plaintiff,

 v.
 FACEBOOK, INC., ET AL.,

 Defendants.

Case No. 3:20-cv-05787-SI

**[PROPOSED] ORDER ON CIVIL
 LOCAL RULE 6-2(A) STIPULATION**

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Plaintiff's Oppositions to any Rule 12 motions or other responses to the Complaint filed by Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media Studies, Inc., and/or PolitiFact shall be due December 21, 2020.
2. Defendants' Replies in support of any such Rule 12 motions shall be due January 21, 2021.
- 3.

Dated: _____

By: Hon. Susan Illston
United States District Judge